

REMARKS

At the outset, Applicant gratefully notes the Examiner's indication of allowance of claims 10-12, 14 and 15, and for his indication that claims 2-5, 8 and 9 contain allowable subject matter. Applicant respectfully submits, however, that all pending claims are allowable.

By way of the above amendments, independent claim 13 has been amended and new dependent claims 16 and 17 have been added. Claims 1-16 currently are pending. Favorable reconsideration is respectfully requested.

Independent claim 13 has been amended to recite that the method is for formatting a recording medium by an image processing apparatus, and that the first program is executable by a photographing apparatus when connected to the image processing apparatus. Support for this amendment is found, for example, in the specification, at pages 15-18.

The final Office Action includes a rejection of claims 1, 6 and 7 under 35 U.S.C. § 102(e), as allegedly being anticipated by Published U.S. Patent Application No. 2003/0128283 to Watanabe et al. This rejection is respectfully traversed.

Independent claim 1 recites that an image processing system includes a photographing apparatus and an image processing apparatus to which the photographing apparatus and a recording medium can be connected. The photographing apparatus comprises a controller for executing a program stored in the recording medium. The image processing apparatus comprises a processor for creating a region accessible from the photographing apparatus. Claim 1 further recites that the system includes a controller for causing the program to be stored in the region.

20 The Office Action asserts, with reference to paragraphs 0109-0113 of the Watanabe et al. publication, that Watanabe et al. allegedly discloses that the computer 2 comprises a processor 31 for creating a region accessible from the pick-up unit 1, and that the controller 58 of the image pick-up unit 1 operates to cause a program to be stored in the region. (See page 3, Section 2, lines 9-12.) It is respectfully submitted, however, that the Watanabe et al. publication does not anticipate claim 1 because it does not disclose the claimed features

concerning an image processing apparatus comprising a processor and controller as set forth in claim 1. The Examiner reliance on inherency: “[I]t is inherent that *a computer* recorded the program onto the memory card,” (see, Section 2, lines 13-14) does not support the allegation that the *computer 2* of Watanabe et al. comprises a processor for creating a region accessible from a photographing apparatus and a controller for causing a program to be stored in this region, in the context in which these features are recited in claim 1.

Additionally, the Examiner has not provided any factual evidence or technical reasoning that would support his allegation regarding inherency (see MPEP § 2112). In any event, even if one were to consider, for the sake of argument, the Examiner’s allegation of inherency (i.e., that Watanabe et al. inherently discloses that *a computer* recorded the program on the memory card 70 of Watanabe et al.), it would be too general, and thus would not address the combination of specific features recited in claim 1. For instance, it is not disclosed, nor would it necessary for the *computer 2* of Watanabe et al. to store any program executed by the pickup unit 1 on the memory card 70. In fact, Watanabe et al. discloses that the program in the memory card 71 enables the operation of the card-type system by *an arbitrarily selected personal computer*. (See paragraph 0113, lines 3-5). Hence, contrary to what is set forth in claim 1, Watanabe et al. appears to suggest that the program is stored on the card 70 before it is used with a computer. The Watanabe et al. publication, therefore, does not inherently disclose claimed features not described in Watanabe et al.

For at least these reasons, Watanabe does not disclose the combination of features recited in claim 1. As such, this document does not anticipate claim 1.

With respect to independent claim 6, the recited photographing apparatus includes, *inter alia*, “a memory for recording image data taken by said sensor” and “an interface for reading a program for processing the image data recording in said memory out of an external recording medium; and a controller for executing the program read out from the recording medium.” In connection with these claimed features, the Examiner asserts that Watanabe discloses a photographing apparatus including both a memory 19 of Figure 2 and a memory card 70, as shown in Figure 10, and a controller 58 for executing the program read out from

the external memory card. It is respectfully submitted, however, that the "utility program" is described in Watanabe et al. as being executed by the computer 2. (See paragraph 0109, lines 4-5 and paragraph 0113, lines 3-6.) Moreover, there is no mention in Watanabe et al. that the controller 58 reads out a program *for processing image data from the memory 70*. Hence, Watanabe et al. fails to disclose all the features recited in claim 6.

The Office Action also includes a rejection of claim 13 under 35 U.S.C. § 102(e), as allegedly being anticipated by U.S. Patent Application Publication No. US 2001/0011328 to Chung. To the extent that the Office may consider this rejection to apply to amended claim 13, Applicant respectfully traverses this rejection.

The Chung publication discloses a memory cache that may include program code and data, and a camera may include such a cache (paragraph 0110, lines 1-2). Chung does not disclose a method of formatting a recording medium *by an image processing apparatus* that includes, *inter alia*, creating a first region for storing a first program in the recording medium, the first program *being executable by a photographing apparatus when connected to an image processing apparatus*, as recited in amended independent claim 13.

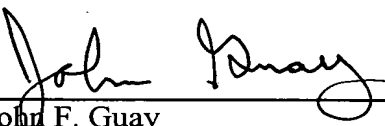
For at least these reasons, the Watanabe publication fails to disclose the combinations of features respectively recited in independent claims 1 and 6, and the Chung publication fails to anticipate amended independent claim 13.

Claim 7 depends from claim 6 and therefore is allowable at least for the reasons pointed out above for claim 6 and further for the additional features recited.

Reconsideration and immediate allowance of all pending claims, and prompt notification of same, is earnestly solicited.

Respectfully submitted,

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